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JUL 20 2005

In re Application of :
Anderson and Young :
Application No.: 10/767,459 :
Filed: January 20, 2004 :
Attorney Docket No: P-6464-US2 :
For: SYSTEM AND METHOD FOR TREATING TISSUE :

OFFICE OF PETITIONS

**DECISION ACCORDING
STATUS UNDER
RULE 47(b)**

This is in response to the renewed petition under 37 CFR 1.47(b), filed March 7, 2005.

The decision mailed March 28, 2005, dismissing the petition filed March 7, 2005, is vacated.

The renewed petition is GRANTED.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

The above-identified application was filed on April 17, 2002, without an executed oath or declaration or filing fee. Accordingly, a "Notice to File Missing Parts of Nonprovisional Application" was mailed on June 15, 2004, requiring an executed oath or declaration and a surcharge for the late filing of the same. A petition under 37 CFR 1.47(b) was filed on November 9, 2004, responsively, along with a request for an extension of time within the third month. The petition was dismissed by a decision mailed January 5, 2005. The instant renewed petition was then filed on March 7, 2005.

Petitioner has established the joint inventors have refused to join the prosecution of the application and that the 37 CFR 1.47(b) applicant has sufficient proprietary interest to proceed with prosecution of the application without the joint inventors.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions